

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BESSEMER SYSTEM FEDERAL CREDIT UNION, on behalf of itself and its members,

Plaintiff,

v.

FISERV SOLUTIONS, LLC, f/k/a FISERV SOLUTIONS, INC., and FISERV, INC.,

Defendants.

Civil Action No. 2:19-cv-00624-RJC

**AFFIDAVIT OF  
MARK D. SHEPARD, ESQ.  
PURSUANT TO F.R.C.P. 53**

I, Mark D. Shepard, Esq. hereby declare and state as follows:

1. I am admitted to practice in both Pennsylvania and West Virginia, as well as before the United States Supreme Court, the United States Courts of Appeals for the Third, Fifth and Sixth Circuits, and the United States District Courts for the Western District of Pennsylvania and the Northern and Southern Districts of West Virginia. I currently serve as a mediator, arbitrator and early neutral evaluator in the United States District Court for the Western District of Pennsylvania.

2. I respectfully submit this Affidavit in support of my appointment as Special Discovery Master pursuant to Federal Rule of Civil Procedure 53.

3. I am a full-time trial lawyer who has practiced law for forty years (40) years. I am also a trained mediator and have mediated over three hundred (300) cases over the past fifteen years involving commercial contracts, securities or broker dealer claims, products liability, professional liability, insurance coverage, personal injury, natural resources, environmental statutes, oil and gas disputes and closely-held business disputes. I have been appointed as a Special

Discovery Master in the Western District of Pennsylvania and the Court of Common Pleas of Allegheny County, Pennsylvania on many occasions.

4. On June 8, 2022, this Court appointed as a Special Discovery Master in the above-referenced case.

5. I have reviewed 28 U.S.C. § 455 and the docket in this matter, and there is nothing set forth in that statute that requires my disqualification as a Special Discovery Master in this matter.

6. I am not involved in any matter with a party to this case, or represent any party in this case, or have any relationship with any counsel for a party in this case, which would preclude me from accepting the appointment of the Court pursuant to Rule 53. As the parties are aware, I have served as a mediator earlier in this case.

I hereby declare under the penalty of perjury that the foregoing statements are true.

Dated: June 9, 2022

A handwritten signature in blue ink, appearing to read "Mark D. Shepard".

MARK D. SHEPARD, ESQ.